

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION**

CHRISTOPHER GANN, LEANDRE BISHOP,
KEVIN BURKE, ELISA CABEBE, ISRAEL
CHIA, KRISTA COSTA, HILLARY DICK,
JURA GERALD, SEIJI SILER-HYATTE,
JEANINE INGRASSIA, ARNIKA IRELAND,
MONTELL JONES, MICHAEL KANZLER,
ALEXANDRA MCCULLOUGH, TERESE
MIRANDA, AUTUMN PIERCE, ROBERT H.
WEINBERG, LASHANDRIKA WILLIAMS,
AND LAURA WINDOM, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NISSAN NORTH AMERICA, INC., a
California corporation,

Defendant.

Case No. 3:18-cv-00966

CLASS ACTION

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AGREEMENT, CONDITIONAL
CERTIFICATION OF SETTLEMENT
CLASS, AND APPROVAL OF CLASS
NOTICE**

District Judge Eli Richardson
Courtroom 874
Magistrate Judge Alistair E. Newbern
Courtroom 774

JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 23(e), Plaintiffs, individually and on behalf of the proposed Settlement Class, hereby submit this unopposed motion for preliminary approval of class action settlement agreement, conditional certification of settlement class, and approval of class notice. Plaintiffs respectfully move this Honorable Court for entry of an Order: (1) granting preliminary approval of the Settlement; (2) approving the Notice Program, as set forth in the Declaration of Carla Peak, and directing commencement of notice as set forth in the Settlement and Notice Program; (3) conditionally certifying the Settlement Class; (4) approving the form and content of the Detailed Notice and Summary Notice attached as Exhibits C and D to the Settlement; (5) appointing Plaintiffs as Class Representatives; (6) appointing Ben Barnow of Barnow and Associates, P.C., Timothy G. Blood of Blood Hurst & O'Reardon, LLC, Mark S. Greenstone of Greenstone Law APC, and Marc L. Godino of Glancy Prongay & Murray LLP, as Co-Lead Class Counsel; (7) appointing Erich P. Schork of Barnow and Associates, P.C.,

Danielle L. Manning of Glancy Prongay & Murray LLP, and Kevin Sharp of Sanford Heisler Sharp, LLP, as Class Counsel; (8) appointing Kurtzman Carson Consultants LLC (“KCC”) as Settlement Administrator; and (9) scheduling a Final Fairness hearing to consider entry of a final order approving the Settlement, final certification of the Settlement Class for settlement purposes only, and the request for attorneys’ fees, costs, and expenses, and plaintiff service awards.

This motion is based on this notice, plaintiffs’ memorandum in support of the motion for preliminary approval and certification of the settlement class, the declarations of Timothy G. Blood, Marc L. Godino and Carla Peak, and all supporting exhibits, the complete file and record in this action and such oral argument as the Court may consider in deciding this motion. A proposed order is attached hereto pursuant to Administrative Order No. 167.

Respectfully submitted,

Dated: June 6, 2019

By: *s/ Timothy G. Blood*

Timothy G. Blood (*pro hac vice*)
Leslie E. Hurst (178432)
Thomas J. O’Reardon II (*pro hac vice*)
BLOOD HURST & O’REARDON, LLP
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com
lhurst@bholaw.com
toreardon@bholaw.com

Ben Barnow (*pro hac vice*)
Erich P. Schork (*pro hac vice*)
BARNOW AND ASSOCIATES, P.C.
One North LaSalle Street, Suite 4600
Chicago, IL 60602
Tel: 312/621-2000
312/641-5504 (fax)
b.barnow@barnowlaw.com
e.schork@barnowlaw.com

Mark S. Greenstone (*pro hac vice* to be filed)
GREENSTONE LAW APC
1925 Century Park East, Suite 2100
Los Angeles, CA 90067

Telephone: (310) 201-9156
Facsimile: (310) 201-9160
mgreenstone@greenstonelaw.com

Marc L. Godino (*pro hac vice* to be filed)
Danielle L. Manning (*pro hac vice* to be filed)
GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
Los Angeles, California 90067
Telephone: (310) 201-9150
Facsimile: (310) 201-9160
info@glancylaw.com

Kevin H. Sharp
SANFORD HEISLER SHARP, LLP
611 Commerce Street, Suite 3100
Nashville, TN 37203
Tel: 615/434-7000
615/434-7020 (fax)
ksharp@sanfordheisler.com

David Pastor (*pro hac vice* to be filed)
PASTOR LAW OFFICE
63 Atlantic Avenue, 3rd Floor
Boston, MA 02110
(617) 742-9700 (p)
(617) 742-9701 (f)
dpastor@pastorlawoffice.com

Raul Perez (*pro hac vice* to be filed)
CAPSTONE LAW APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
Tel: (310) 556-4881
Fax: (310) 943-0396
Raul.Perez@CapstoneLawyers.com

Gary E. Mason (*pro hac vice* to be filed)
WHITFIELD BRYSON & MASON LLP
5101 Wisconsin Ave. NW, Ste. 305
Washington, D.C. 20016
Tel: 202) 429-2290
gmason@wbmlp.com

Attorneys for Plaintiff and the putative Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 6, 2019, a copy of the foregoing **Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement Agreement, Conditional Certification of Settlement Class, and Approval of Class Notice** was sent through CM/ECF, to the following:

Paul E. Cauley, Jr.
S. Vance Wittie
Drinker Biddle & Reath LLP
1717 Main Street, Suite 5400
Dallas, TX 75201
paul.cauley@dbr.com
vance.wittie@dbr.com

John S. Hicks
Baker, Donelson, Bearman,
Caldwell & Berkowitz, PC
211 Commerce Street, Suite 800
Nashville, TN 37201
jhicks@bakerdonelson.com

Bradley J. Andreozzi
Matthew M. Morrissey
Drinker Biddle & Reath LLP
191 North Wacker Drive, Suite 3700
Chicago, IL 60606-1698
bradley.andreozzi@dbr.com
matthew.morrissey@dbr.com

s/ Timothy G. Blood

TIMOTHY G. BLOOD

BLOOD HURST & O'REARDON, LLP
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com